

## **PART 162-02 RIVERS POLICY**

---

### **02-01 REQUIREMENT FOR A RIVERS POLICY**

The Rhode Island Rivers Council is required to prepare and adopt a rivers policy for the state, which is to become an element of the State Guide Plan (*Section 46-28-7(c), General Laws of Rhode Island*). By law, the rivers policy must:

- be consistent with federal water quality requirements<sup>1</sup>,
- give consideration to existing public and private development, and
- treat rivers, lakes, ponds, and estuaries as ecological systems.

In establishing the Rivers Council, it was declared to be in the public interest to:

- 1) preserve open space, natural resources, and features,
- 2) preserve cultural and historic landscapes and features,
- 3) preserve opportunities for recreational use of rivers and estuaries,
- 4) encourage the establishment of greenways which link open spaces together, and
- 5) continue the regional and comprehensive planning activities for water and habitat quality in rivers, lakes, ponds, and estuaries, and land use in their watersheds conducted by the Department of Environmental Management and the Department of Administration.

The Rivers Council was established to implement these policies and to "coordinate and oversee the clean up and preservation of the quality of rivers in Rhode Island" (*Section 46-28-2(c), General Laws of Rhode Island*).

### **02-02 FINDINGS REGARDING EXISTING STATE GUIDE PLAN ELEMENTS**

The State Planning Council has been charged with maintaining a State Guide Plan (*Section 42-11-10, General Laws of Rhode Island*). The State Guide Plan is a means for centralizing and integrating long-range goals, policies, and plans with short-range project plans and implementing programs prepared by agencies responsible in each functional area. The guide plan is not a single document but a collection of elements that have been adopted since the 1960s. The Rivers Policy and Classification Plan must be considered in the context of existing Guide Plan

---

<sup>1</sup> The Clean Water Act, Title 1, Section 101, Declaration of Goals and Policies states, "(1) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters... (2) It is the national goal that wherever attainable...water quality [standards should] provide for the protection and propagation of fish, shellfish, and wildlife, and provide for recreation in and on the water..."

elements. The relevant Guide Plan elements, as well as their respective goals, policies, and recommendations, are listed in Appendix A.

## **02-03 RIVERS POLICIES**

### **A. Land Use**

**Policy R-1 Land use shall be managed within watersheds, and especially upstream of drinking water supplies and aquifers, and adjacent to fresh and estuarine waterbodies, in a manner consistent with attaining the water quality goals of protection and propagation of fish, shellfish, and wildlife, and providing for recreation in and on the water.**

Since improper land use may be a significant contributor of nonpoint source pollution and water quality degradation, land use regulations and other local ordinances, measures, and actions shall address the prevention of problems, as identified in the *Rhode Island Nonpoint Source Pollution Management Plan* (State Guide Plan Element 731).

For rivers, lakes, ponds, and estuaries classified as either pristine, open space, or recreational, municipalities should consider utilizing the land use classification system described in Appendix B. Pristine rivers, lakes, ponds, and estuaries shall be recognized as significant natural resource areas in local comprehensive plans, and implementation programs shall contain such measures as may be necessary to achieve the purposes of the classification.

For rivers, lakes, ponds, and estuaries classified as open space or recreational, adjacent land use should be either "minimal risk," "slight risk," or "moderate risk" and mitigative measures, as described in the *Rhode Island Nonpoint Source Pollution Management Plan*, should be used. Open space and recreational rivers, lakes, ponds, and estuaries shall be recognized in the open space and recreation element of local comprehensive plans, and implementation programs shall contain such measures as may be necessary to achieve the recreational use of the rivers, lakes, ponds, and estuaries and secure their character as greenways. As a general rule, new "severe risk" land uses should not be permitted adjacent to rivers.

### **B. Nonpoint Sources of Pollution**

**Policy R-2 The mitigation and prevention of nonpoint source pollution shall be addressed in accordance with the Rhode Island Nonpoint Source Pollution Management Plan.**

Nonpoint source pollution comes from nondiscrete sources such as failing or poorly functioning septic systems, erosion from construction sites and stormwater runoff that contribute pollutants to surface and groundwaters. According to DEM's 2002

*State of the State's Waters*, 305(b) Report, 34.5 % of the state's river miles assessed, 22% of lake acres assessed, and approximately 30% of the estuarine waters assessed are considered impaired for one or more uses. Sources of impairment include point sources (CSOs, municipal, and industrial discharges), nonpoint sources (urban runoff/storm sewers, septic systems) and natural sources (wildlife and waterfowl).

Reduction of nonpoint sources of pollution is, therefore, necessary to protect pristine rivers, lakes, ponds, and estuaries and public drinking water supplies, to preserve opportunities for recreational use of freshwater bodies and estuaries, and to preserve, protect, and enhance the quality of rivers, lakes, ponds, and estuaries in Rhode Island.

***C. Clean-Up and Preservation of the Quality of Rivers, Lakes, Ponds, and Estuaries***

**Policy R-3 Rivers, lakes, ponds, and estuarine waterbodies not meeting water quality classification goals shall be improved.**

It is important to:

- 1) treat rivers, lakes, ponds, and estuaries as ecological systems,
- 2) be consistent with state and federal water quality requirements that establish goals for the protection and propagation of fish, shellfish, and wildlife, and provision for recreation in and on the water, and
- 3) secure restoration of the natural environment of the state.

To accomplish the clean-up of rivers, lakes, ponds, and estuarine waterbodies:

- 1) point source discharges shall be regulated by the Department of Environmental Management,
- 2) nonpoint sources of pollution shall be mitigated and prevented when possible,
- 3) municipalities should adopt and implement appropriate nonpoint source pollution controls,
- 4) natural riparian corridors and tidal wetlands shall be maintained and, where appropriate, be re-established, and
- 5) when an activity is being undertaken that affects or could significantly affect contaminated sediments, those effects or potential effects shall be evaluated and, where appropriate and reasonable, remediation measures shall be included in the activity.

#### ***D. Public Drinking Water***

**Policy R-4 Land use regulation and acquisition shall be used to provide for the protection of public drinking water supply watersheds.**

Public drinking water is vital to public health and the economic well-being of the state; therefore, priority shall be given to preserving the quality of our public drinking water supplies. The use of fresh water for public water supplies shall be considered a form of public development, and drinking water sources shall be treated as natural resources requiring compliance with safe drinking water standards and protection, as a rule, by implementing land use management practices appropriate to maintaining pristine water quality.

#### ***E. Recreation***

**Policy R-5 Rhode Island's rivers, lakes, ponds, and estuarine waterbodies are an important recreational asset and shall be managed as such, except in instances when they are drinking water supplies, or habitat for rare or endangered species, that would be harmed by recreational use.**

Although waterbodies supply opportunities for swimming, fishing, and boating (there are about two dozen public fresh water swimming areas in the state; about 75 stocked streams, brooks, and ponds; more than 100 miles of river suitable for canoeing, and over 1000 acres of estuarine and marine beaches), the recreational value of rivers, lakes, ponds, and estuaries has not been fully achieved. Even rivers in urban areas and narrow streams have recreational value as greenways and habitat.

The recreational use of rivers, lakes, ponds, and estuaries may be regulated and limited to protect public health and habitat.

#### ***F. Preservation of Open Space, Habitat, Natural Resources, and Features***

**Policy R-6 In rural and undeveloped watersheds priority shall be given to protecting large unfragmented areas.**

Where natural riparian corridors, tidal wetlands, and natural estuarine and marine habitats exist, they shall be preserved. If such habitats are lacking but appropriate, priority shall be given to their re-establishment and maintenance.

**Policy R-7 In suburban and urban areas priority shall be given to the preservation and restoration of habitat and the establishment of greenways that link natural, historic, and cultural communities and/or provide recreational opportunity.**

River greenway planning and implementation should be coordinated with the Greenways Council and local greenway efforts. Watershed associations, in concert with local officials, should pursue the protection of rivers, lakes, ponds, and estuaries and their respective watersheds by focusing acquisition efforts on identified greenspace areas. Consideration should also be given to river corridors as linking mechanisms with existing open space and greenspace areas. Notwithstanding greenway development, rivers, lakes, ponds, and estuaries shall be maintained to preserve and protect their natural habitat and biodiversity.

#### ***G. Preservation of Cultural and Historic Landscapes and Features***

**Policy R-8 The natural, cultural, and historic features of river systems and their adjacent lands shall be preserved and protected to the maximum extent possible.**

Rivers, lakes, ponds, and estuaries are an important part of Rhode Island's cultural and historic heritage. In the nineteenth century, waterpower was harnessed for the textile industry. The national significance of the Blackstone Valley has been recognized through the establishment of the Blackstone River Valley National Heritage Corridor within the National Park Service. While the Blackstone Valley may be a premier historical resource from a national perspective, other Rhode Island river locations have great state and regional significance.

#### ***H. Water Withdrawals (Water Supply Management)***

**Policy R-9 Water withdrawals shall be managed comprehensively within individual watersheds in accordance with this plan's classifications.**

The viability of rivers, lakes, ponds, and estuaries as ecological systems must be achieved to maintain natural, water supply, recreational, and cultural values.

#### ***I. Public Involvement and Local Watershed Councils***

**Policy R-10 As a matter of State policy, watershed organizations, citizen and recreational interest groups and associations, and volunteer monitoring programs shall be encouraged and supported.**

To secure the public interest in rivers, lakes, ponds, and estuaries and to assure "the people of this generation and their descendants the opportunity to appreciate the aesthetic and utilize the recreational qualities and resources" (*Section 46-28-2(c), General Laws of Rhode Island*) of Rhode Island's rivers, streams, lakes, ponds, and estuaries, the state shall:

- 1) foster public involvement in river and watershed planning, decisionmaking, and management;
- 2) provide public education on river, lake, pond, estuary, and watershed issues; and
- 3) secure the establishment of local watershed councils.

**J. *Interstate Coordination***

**Policy R-11 As a matter of State policy, the Rivers Council and local watershed councils shall coordinate their activities on a watershed basis across state boundaries, as appropriate.**

As stated in the designation criteria for local watershed councils: "Watershed councils must advocate for the entire river and its associated watershed."

Several watersheds in Rhode Island extend beyond the state's boundaries and in some cases, are primarily located in the adjoining state. "Coordination of efforts throughout the watershed is critical to addressing complex issues of regional concern....<sup>2</sup>"

---

<sup>2</sup> Susan Moore, Executive Director of the Blackstone River Valley National Heritage Corridor Commission